



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/446,835	12/29/99	FENDIS	P06608050/DE

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QM32/0621

EXAMINER
WHITE, C

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 06/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/446,835

Applicant(s)

FENDIS, GREGORY

Examiner

Carmen D. White

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-14, 17, 20-29 and 31-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Lyon et al (6,074,312).

Regarding claims 1-5, 13-14, 17, 20-22, 29, 31-38 and 41-43, Lyon discloses a golf scoring system that a central score collection computer; plural input locations; and communications means for communicating golf scores and score handicap information between the central computer and the various locations on the golf course (abstract; Fig. 3; Fig. 4).

Regarding claim 6-12, 23-28, 39-40, Lyon further discloses the input means being a card and a card reader (Fig. 2A and Fig. 4).

3. Claims 1-5, 13-14, 16-22, 29-38 and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Colley (5,283,733).

Regarding claims 1-5, 13-14, 16-22, 29-38 and 41-43, Colley discloses all the limitations discussed above, further including wireless communications means (abstract; Fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyon et al or Colley.

Regarding claim 15, the references disclose the elements of the claim as discussed above. The references lack disclosing the proximity feature. It is well known in the art to have proximity sensors. For example public locations such as grocery stores, shopping malls, etc. have sensors that sense a presence of a person and activate the doors to open. Further, the use of tags and transponders to detect proximity are well known in the art. See below for citations of well known systems that disclose proximity tags and transponders. Thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a proximity sensor in Lyon or Colley to make the system more convenient to the users.

Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chaum et al teaches the use of tags to sense the presence of a vehicle at a toll booth for the wireless transmission of data from a smart card and the activation of the toll collection stations in response to sensing the presence of the tag.

Morrill Jr. teaches the use wireless transmission of data via a contactless smart card, whereby the tag in the card is sensed when it is in the proximity of a toll booth and information is transferred. Kelley et al ('074) and Kelley et al ('292) teach a contactless proximity automated data collection system.

Examiner's Response to Applicant's Remarks

7. Regarding independent claims 1, 17, 30 and 31, and those that depend from these claims, Applicant argues that Lyon does not disclose the "transmitting at each hole" of "progress data". However, Applicant uses the language "transmitting at each hole", which is not recited in the claim. Further, Applicant only uses the terminology "progress data" in independent claim 1, and the claims that depend from claim 1. Applicant states on page 2 of the remarks that "progress data" is progressive score information, such as number of strokes for a particular hole. Lyon clearly teaches the progressive transfer of score information for the calculation of a handicap at a local processing unit, which serves the same function as Applicant's central data collection means (col. 2, lines 14-20). Lyon teaches that this data can be transferred and updated as often as per round (col. 2, lines 17-20). Applicant argues the limitation of "progress data" more narrowly than is claimed. The examiner asserts that Lyon clearly teaches the transfer of progress data as it relates to the player's score information.

Applicant argues that Lyon does not teach that the data input means provide data indicative of its location. The examiner disagrees. Lyon clearly teaches the feature of information pertaining to the location that the player is at when information is

entered into the data input means. Figure 9 of Lyon teaches the location of the golfer as it pertains to the hole number and the course location.

Applicant further argues that Colley does not provide a central data location means. The examiner disagrees. The data input means of each player {the player unit #5} transmit information to a central location {scoring terminal, #3} for collection of each player's score data.

Regarding dependent claim 15, The examiner asserted that the feature of a "proximity sensor" is well known in the art, and the examiner provided various examples for the use of a proximity sensor in the first office action. However, Applicant argues that the examples provided by the examiner are not applicable to the instant claimed invention. Therefore the examiner has cited various prior art that show the use of proximity tags to provide convenience to users- whereby the tags or transponders are sensed when they are in a certain proximity and data is transferred. This feature is extremely well known for the transfer of data from one location to another. Thus, it would have been obvious to employ this technique in the data communication units of Lyon or Colley.

The examiner asserts that Applicant's claims are extremely broad. The references of Lyon and Colley clearly teach the features of the instant claimed invention.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

USPTO Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

Art Unit: 3713

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.



Carmen White
Patent Examiner



VALENCIA MARTIN-WALLACE
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